

# Minutes of the Meeting of the Avon Township Board of Supervisors

November 6, 2019

*Avon Township Hall, 16881 Queens Road, Avon (MN)*

**Call to Order:** Acting Chair Mike Linn called the meeting of the Avon Township Supervisors to order at 7:00 P.M. in the main chamber of the Avon Township Hall.

**Pledge:** The Pledge of Allegiance was recited.

**Roll Call:** Present – Mike Linn, Kelly Martini, and Stephen Saupe. Absent – Will Huston (family emergency), John Merdan. Also present – Paul Buttweiler (*Deputy Treasurer*), LeRoy Gondringer (*Planning Commission Chair*), and Marion Gondringer (*Deputy Clerk*).

Huston submitted a letter for a temporary leave of absence due to a family emergency as per Minnesota State Statute 367.03 subd. 7. He will not be able to serve for at least 90 days. Linn and Saupe acted as the appointing committee to appoint a temporary replacement. Linn nominated Ken Mergen to serve as temporary replacement for Supervisor Huston. Saupe second. All in favor. Motion carried. Mergen took the oath of office and was given the Certificate of Appointment.

**Approval of Agenda:** Mergen moved to approve the agenda as amended. Linn second. All in favor. Motion carried.

**Minutes:** Approval of the October 2, 2019 minutes was tabled until Merdan can attend the meeting.

**Planning Commission Report** – *presented by LeRoy Gondringer (PC Chair):*

1. **Braegelmann Preliminary Plat** – The PC recommends approval. Mergen moved to approve the preliminary plat for David Braegelmann. Linn second. All in favor. Motion carried. The preliminary plat was signed.
2. **Mohs Variance Inquiry** – Ms. Kamela Mohs, 14555 325<sup>th</sup> St., St. Joseph, appeared at the PC meeting to inquire about constructing a storage building, approximately 20 x 38, on her property along the property line along 145<sup>th</sup> Avenue. She was not certain about the final location. Depending on the exact location, she will likely need a variance and a driveway permit. The Supervisors took no action because she did not attend tonight's meeting with a specific request.
3. **Crumley Encroachment Agreement** – Mr. Jim Crumley, 33584 Shorewood Drive, Avon, appeared at the PC meeting to request an encroachment agreement to place a septic system drain field in the Township road right-of-way and utility easement. The PC recommends approval. Town attorney Adam Ripple examined and approved the agreement. Mergen moved to approve an encroachment agreement for James and Dana Crumley, 33584 Shorewood Drive. Linn second. All in favor. Motion carried.
4. **Joint Planning Board** – At the PC meeting, Mergen reported on the recent JPB meeting that focused on how to handle permitting in the Joint Powers area. This issue has arisen because a resident living in this area has requested a building permit but the County will not issue it because the MOU states that the Joint Powers Board does permitting. The City Administrator and Town Clerk will look into options and report back to the JBP. The meeting will be continued on Nov 25<sup>th</sup> at 7:00 PM in the Town Hall. One suggestion was to move the affected parcel out of the Joint Powers area; the MOU allows modifications annually. Linn will contact Jodi at the City to get feedback about this possibility.

5. **Growth Areas** – The PC studied and discussed future growth areas. Considering the Township mission of maintaining its rural and agricultural character, the PC recommends no changes at this time. Mergen moved to make no changes to the Township growth areas at this time. Linn second. All in favor. Motion carried. There is a concern that the new City growth map includes a significant portion of the Township north of the City, including land occupied by the Town Hall. Linn will follow up with the City.
6. **Enterprise** - Openings on the Planning Commission and finishing our bond payments for the Town Hall were suggested as possible topics for the contribution in November.

Mergen moved to approve the Planning Commission report. Linn second. All in favor. Motion carried.

**Treasurer’s Report:** Martini read the Treasurer’s Report and presented the Cash Control Statement for the period 10/01/2019 to 11/01/2019 (*below*). Martini filed the S&P Global rating information. The Irrevocable Standby Letter of Credit was approved for the Gertken Solar Garden project. The Cash Control Statement includes Nov 1<sup>st</sup> because of the timing of Koopmeiner’s check. There is a difference of \$17.37 between the amounts reported in our bank accounts and the Cash Control Statement due to a difference in Koopmeiner’s because there was an update of the MN Dept of Revenue tax tables in September. Mergen moved to approve the Cash Control Statement and Treasurer’s report. Linn second. All in favor. Motion carried.

For the Period : 10/1/2019 To 11/1/2019

<u>Name of Fund</u>	<u>Beginning Balance</u>	<u>Total Receipts</u>	<u>Total Disbursed</u>	<u>Ending Balance</u>
General Fund	\$172,047.45	\$5,253.72	\$11,075.73	\$166,225.44
Road and Bridge	\$387,469.31	\$0.00	\$27,394.36	\$360,074.95
Demolition Escrow	\$2,000.00	\$0.00	\$0.00	\$2,000.00
Road Damage Deposit	\$2,850.00	\$0.00	\$500.00	\$2,350.00
Fire Fund	\$9,621.63	\$0.00	\$0.00	\$9,621.63
General Capital Projects	\$44,292.38	\$0.00	\$0.00	\$44,292.38
<b>Total</b>	<b>\$618,280.77</b>	<b>\$5,253.72</b>	<b>\$38,970.09</b>	<b>\$584,564.40</b>

**Claims & Payroll:** Martini presented the October PERA claims (3673 & 3674), which totaled \$525.54. The October payroll was \$2,816. The November claims (3675 – 3692) were \$3120,932.10 and the November payroll was \$1,360.99. Several months ago Rinke-Noonan submitted to the Township an invoice for work related to the Gertken Solar Project. The agreement was that the company would pay this expense. The invoice was sent to them but they have still not paid. We will pay the invoice and then work on recovering the expense from the company. Martini has been working with CenturyLink to insure on-time payment of our internet account. Linn moved to approve the claims and payroll. Mergen second. All in favor. Motion carried.

**Town Hall Maintenance Report** – Koopmeiners was unable to attend the meeting so there were no updates on the following: drop box, insulation quotes, and electrical work. These will be included on the December agenda.

**Road Report**

1. **Road/Maintenance Report** – Among the things done this month were: cleaned up downed trees on Peach Drive, trimmed trees on 325<sup>th</sup> and Lower Spunk Lane, fixed potholes, and serviced the trucks.

Brush was also removed on Lower Spunk Lane.

2. **Snow Season** – trucks and drivers are ready. We can continue to push snow where we always did on Kepper’s property.
3. **Sailboat on Pelican Lake Road** – a resident was alerted to the hazard of a sailboat parked in the road right-of-way.
4. **Norway Road** – is nearly finished. Mailboxes are being installed; at least one is missing. While the project was in progress, there were complaints from residents who couldn’t get in/out of their driveway during the construction phase; these were addressed by the company. The shoulders seem rather high in some areas and appear to need more fill. The sharp corner west of Martini’s was cited as one place where it seemed a vehicle could roll if it went off the road. In addition, some culverts under the road already appear to be dipping. Saupe will contact Stantec, the company hired for inspection services, to check out these areas.
5. **Weed Report** – Koopmeiners and Martini will complete their respective sections by the December meeting.
6. **Crack Sealing** – some sections need to be redone. Bertram needs to be contacted about repairing.
7. **TDA Manufacturing** – A representative from TDA, a MN tire-processing company, attended the meeting to provide information about their product. They use recycled tires to make a lightweight tire aggregate that can be used in road projects. It has been used in a variety of statewide projects including at the Albany State Bank. An informational brochure was provided.
8. **Rooney Driveway Permit** – Linn moved to approve a driveway permit for Jeff Rooney (19139 Two Rivers Road. Mergen second. All in favor. Motion carried.
9. **Road Maps** – no additional maps are required.
10. **Pelican Lake Road Culvert** – Koopmeiners cleared a blocked culvert.
11. **Road Mileage Certification** – was approved and signed. The Clerk will return.
12. **160<sup>th</sup> Avenue** – A quote for removing dead trees in the road right-of-way was received. Mergen moved to approve the quote from Weaver’s Tree Service to remove the trees. Linn second. All in favor. Motion carried. The agreement was signed.

Mergen moved to approve the Planning Commission report. Linn second. All in favor. Motion carried.

**Public Hearings:** *None scheduled.*

**Business:**

1. **Avon Lion’s Club** – A new chapter is being organized by Mike and Cheri Appel because the existing club has reached it’s maximum membership and is all male. They are looking for a home and request use of the Avon Township Hall for meetings on the second Sunday of the month. They will receive their national charter on December 9<sup>th</sup>. Mergen moved to approve the usage of the Town Hall on the condition that (1) they receive formal approval from Lion’s International; (2) they don’t have a

Christmas party; (3) this agreement is reviewed after one year; and (4) no fee will be charged, though this will also be reviewed in a year. The Lion's are looking for potential projects – maintenance of the baseball field in St. Anna was suggested.

2. **Meet & Greet** – a representative for Lisa Demuth, Tim O'Driscoll and Jeff Howe requested using the Town Hall to meet with residents before the December Supervisor's meeting. They plan to arrive about 6 PM and have refreshments, then stay at the beginning of the Supervisor meeting to see if we have any issues to address with them. Mergen moved to approve the use of the hall by Lisa Demuth, Tim O'Driscoll and Jeff Howe prior to the December 4<sup>th</sup> meeting. Linn second. All in favor. Motion carried.
3. **The MAT conference** will be held in Mankato, Nov 22-23. Martini plans to attend.
4. **Evergreen Manufactured Home** – a complaint was received about the Evergreen Manufactured Home Park. Another home was moved in as three were being prepared to move out. John Tracey at the County has been alerted and is aware of the situation.
5. **Elections** – The presidential primary will be held the first Tuesday of March (3<sup>rd</sup>). Judges will need to be trained prior to the election. This will be an expensive year for training because we will also need to train judges for the regular two-year cycle during the summer. The County will hold a meeting for Clerks in December. Linn moved to approve Resolution 11-06-19: Annual Resolution Designating Polling Place. Mergen second. All in favor. Motion carried.

**Other/Old Business:** *Permitting to County; Fine revenue; Peach Drive N – possible vacation*

**Signatures / Documents / Treasurer:** documents were signed as necessary.

**Recurring Reports:**

1. There were no **911 sign** requests.
2. **Construction Site Permits** were received for Pelican Lake LLC (18304 Red Maple Dr; residence & accessory structure).
3. No **Feedlot Permits** were received.
4. **Special Assessment Searches** were completed for Loso (18703 Two Rivers Road, Avon); Maciejewski (14160 355<sup>th</sup> St., Avon); Bullert (Two Rivers Road); and Kleinjan (17949 360<sup>th</sup> St.),
5. Stearns County held **public hearings** on their Comp Plan and a variance for Himsl for a side-yard variance (approved).

**Announcements & Brief Reports:**

1. A request to use the Town Hall for a private party was denied by the Clerk as per Town policy.
2. The County Election Office is moving to the Service Center in Waite Park.
3. The MBA Newsletter was received.
4. The new County Assessor is Jake Pidde; he replaces Jeff Johnson. Our Board of Appeals & Equalization meeting has been scheduled for April 20, 2020.
5. The 2020 Presidential Primary will take place Tuesday, March 3, 2020.
6. A copy of 2020 TNT Tax rate was received from Auditor's Office and was verified (Capital - \$2,000; Fire - \$70,000; Revenue - \$82,850; Road & Bridge - \$315,600).
7. The MAT Conference will be held in Mankato, Nov 22-23.
8. The Town Officers of Stearns County meeting will be held Thursday, November 14<sup>th</sup>, 8 PM, at the Freeport Community Center.

**Announcement of Next Regular Supervisor Meeting:** The next regular meeting will be held on Wednesday, December 4, 2019 at 7:00 PM.

**Announcement of Other Town Meetings:** The Joint Planning Board was continued to November 25<sup>th</sup> at 7:00 PM at the Town Hall. The Planning Commission meets November 27<sup>th</sup> at 7:00 PM, Avon Town Hall.

**Adjournment** – Mergen moved to adjourn the meeting at 9:30 PM. Linn second. All in favor. Motion carried.

Respectfully submitted,  
Stephen G. Saupe, Clerk

Clerk signature: \_\_\_\_\_

date: November 10, 2019

**Supervisor Signatures:**

date: \_\_\_\_\_

\_\_\_\_\_  
Mike Linn

\_\_\_\_\_  
John Merdan

\_\_\_\_\_  
Ken Mergen